

### REMARKS

#### **The claims**

Applicants gratefully acknowledge the statement by the Examiner that Claim 104 is allowed.

Claim 103 is amended to address concerns raised by the Examiner. The amendment is supported throughout the application, *e.g.* at paragraph [0015] of the specification. See also the Appendix which was attached to the Reply filed April 7, 2010, particularly the portion of the figure labeled "Sandwich ELISA." The amendment does not add new matter.

#### **Rejection of claims 105 and 112 under 35 USC 112, first paragraph (biological deposit)**

Applicants confirm that the deposits of cell lines which were described in the Reply filed April 7, 2010 and documented by the receipt forms sent by the International Depository Authority, which were attached to that Reply, satisfy the criteria set forth in 37 CFR 1.808. These deposits will be irrevocably and without restriction or condition released to the public upon issuance of a patent, and the cell lines will be replaced should they ever become non-viable. In view of this assurance, applicants request that the rejection with regard to the absence of the preceding statement be withdrawn.

Furthermore, the Examiner has requested that applicant clarify the deposit date and accession numbers of the hybridomas designated PNOA1 and PNOA2, in view of the allegation by the Examiner that "two dates and two accession numbers appear to be disclosed for each in paragraph [0042]" of the specification.

With respect to two accession numbers appearing for each hybridoma in the present specification, the Applicants submit that paragraph [0042] of the present specification, as amended in the Reply filed on September 16, 2009, indicates as follows regarding PNOA1 and PNOA2:

*"Monoclonal antibodies of the present invention include: .....anti-ovalbumin monoclonal antibody **PNOA1 generated by hybridoma (FERM BP-10265)**; anti-ovalbumin monoclonal antibody **PNOA2 generated by hybridoma (FERM BP-10266)**...."*

*These hybridomas have been accepted at National Institute of Advanced Industrial Science and Technology, International Patent Organism Depositary (Central 6, 1-1, Higashi 1-chome Tsukuba-shi, Ibaraki-ken 305-5466, Japan) on February 24, 2005 (date of receipt).*

*Meanwhile, ....., PNOA1 (FERM P-20208), PNOA2 (FERM P-20209), .....are those deposited at National Institute of Advanced Industrial Science and Technology, International Patent Organism Depositary, on September 7, 2004 (date of deposit)".*

The first paragraph in the above quotation explains that the international accession numbers of the hybridomas producing **PNOA1 and PNOA2** are **FERM BP-10265 and FERM BP-10266, respectively;**

the second paragraph in the above quotation explains that **the international deposits** of the above hybridomas were accepted as FERM BP-10265 and FERM BP-10266 **on February 24, 2005** by the **International Patent Organism Depositary;** and

the third paragraph in the above quotation explains that, before the deposits were transferred to the above **International Patent Organism Depositary,** the hybridomas producing **PNOA1 and PNOA2** had been deposited as FERM BP-10265 and FERM BP-10266 at the National Institute of Advanced Industrial Science and Technology **under the Japanese national deposit system (date of national deposit: September 7, 2004).**

Therefore, although the Examiner alleges that the present specification discloses two accession numbers and two deposit dates for respective hybridomas producing PNOA1 and PNOA2, the present specification in fact discloses only one international accession number and one deposit date for each of the above hybridomas.

**Rejection of claim 103 under 35 USC 103, over Narita *et al.* in view of Kilshaw *et al.* and Mine *et al.***

The Examiner alleges in the Office Action of July 7, 2010 that "Notwithstanding applicants' assertions to the contrary, there is nothing found in the invention as instantly claimed which limits the first antibodies as bound to the same insolubilized carrier or the same area on a single carrier." Claim 103 has been amended to clarify that an antibody specific for a native allergen and an antibody specific for a denatured allergen are bound to the same carrier.

Applicants respectfully request that the rejection be withdrawn.

In view of the preceding amendments and arguments, it is believed that the application is in condition for allowance, which action is respectfully requested.

Should any additional fee be deemed due, please charge such fee to our Deposit Account No. 22-0261, referencing docket number 31671-235624 and advise us accordingly.

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Respectfully submitted,

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